

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Criminal No. 23-mj-30102

v.

Brian Nicolas Zervos,

Defendant.

**MOTION AND BRIEF FOR LEAVE TO
DISMISS COMPLAINT WITHOUT PREJUDICE**

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States of America hereby moves for leave to dismiss without prejudice the complaint against Brian Nicholas Zervos. In this case, the government needs additional time:

- 1) to develop and obtain evidence sufficient to establish defendant's guilt beyond a reasonable doubt;
- 2) to investigate the full extent of the offenses in question; and/or
- 3) to decide whether criminal prosecution of defendant for the offenses in question is in the public interest.

See generally United States v. Lovasco, 431 U.S. 783,790-96 (1977); 18 U.S.C. § 3161(d)(1). The government's ability to prosecute this case properly would be

substantially impaired were it required to proceed to indictment or information within the 30-day period prescribed by the Speedy Trial Act, *see* 18 U.S.C. §§ 3161(b), 3161(h). Additionally, the state of Michigan has charged Zervos with several counts of criminal sexual conduct in the first degree, allowing for state prosecution to commence while the government continues its investigation.

Accordingly, the government requests leave to dismiss the complaint without prejudice.

Respectfully submitted,

DAWN ISON
United States Attorney

s/Christopher W. Rawsthorne
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Dated: April 27, 2023

CERTIFICATE OF SERVICE

I certify that on April 27, 2023, I caused the foregoing document to be electronically filed with the Clerk of the Court of the Eastern District of Michigan using the CM/ECF system, which will send notification of such filing to all users of record via electronic mail.

s/Christopher W. Rawsthorne
CHRISTOPHER W. RAWSTHORNE
Assistant United States Attorney